

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IRMA MENDOZA

Plaintiff,

v.

DOLLAR TREE STORES, INC.

Defendant.

No. 1:23-cv-00980-ADA-BAM

ORDER GRANTING THE PARTIES'
STIPULATION

(ECF No. 8)

Before this Court is the parties' Stipulation to Remand to State Court. (ECF No. 8.) The parties stipulate as follows:

1. Plaintiff Irma Mendoza, a resident of California, claims personal injuries and damages against Defendant Dollar Tree, a Virginia corporation, because of an alleged incident that occurred on or about August 31, 2021, at a Dollar Tree store located in the City of Farmersville, County of Tulare, State of California.
2. Plaintiff acknowledges she has claimed damages in excess of \$75,000.00.
3. On June 29, 2023, Defendant timely removed this matter to the United States District Court for the Eastern District of California pursuant to 28 U.S.C. §§ 1332 and 1441.
4. Plaintiff intends to file a motion for leave to amend her Complaint to add the store manager of Defendant's retail store as a defendant and to remand to state court.
5. Because Defendant's store manager would be a proper defendant, if that individual is

1 added as a defendant, the Parties hereby agree that complete diversity will no longer
2 exist in this matter, and that subject matter jurisdiction will no longer exist.

3 6. The Parties further agree that because complete diversity will no longer exist, the
4 matter should be remanded to the Tulare County Superior Court.

5 7. The Parties further agree that in exchange for Defendant's agreement to remand to
6 state court, Plaintiff will not seek to add any employee of Defendant, including but not
7 limited to its store manager, as a defendant in this action.

8 8. Defendant further agrees that it will not seek to remove the case to federal court a
9 second time once the matter has been remanded to the Superior Court.


10 Having considered the Joint Stipulation between the Parties, and good cause appearing,
11 this Court grants the parties' Stipulation and hereby orders that the action be remanded to Tulare
12 County Superior Court. This order is not the result of a finding by the Court; it is merely a
13 granting of an agreement of the Parties by Stipulation to return the case to state court.

14 Accordingly,

- 15 1. The Court GRANTS the Parties' Stipulation (ECF No. 8);
16 2. The Court ORDERS this Action be remanded to Tulare County Superior Court; and
17 3. The Clerk of Court is directed to close this case.

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20 IT IS SO ORDERED.

21 Dated: September 22, 2023

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UNITED STATES DISTRICT JUDGE